

Exhibit 1

1 TROUTMAN PEPPER HAMILTON SANDERS LLP

2 Luke N. Eaton (SBN 280387)

3 E-mail: luke.eaton@troutman.com

4 Two California Plaza

5 350 South Grand Avenue, Suite 3400

6 Los Angeles, CA 90071-3427

7 Telephone: 213.928.9800

8 Facsimile: 213.928.9850

9 Harris B. Winsberg (admitted *pro hac vice*)

10 E-mail: harris.winsberg@troutman.com

11 Alexandra S. Peurach (admitted *pro hac vice*)

12 E-mail: Alexandra.Peurach@troutman.com

13 Nathaniel T. DeLoatch (admitted *pro hac vice*)

14 E-mail: nathan.delatch@troutman.com

15 600 Peachtree Street, NE, Suite 3000

16 Atlanta, GA 30308

17 Telephone: 404.885.3000

18 Facsimile: 404.885.3900

19 Attorneys for Plaintiff

20 BAY POINT CAPITAL PARTNERS II, LP

21 UNITED STATES BANKRUPTCY COURT
22 CENTRAL DISTRICT OF CALIFORNIA
23 LOS ANGELES DIVISION

24 In re

25 JONATHAN L. SMITH,

26 Debtor.

27 BAY POINT CAPITAL PARTNERS II,
28 LP,

v.

30 Plaintiff,
31
32 v.
33 JONATHAN L. SMITH,
34 Debtor-Defendant.

35 Case No. 2:21-bk-12542-BR

36 Chapter 7

37 Adversary No. 2:21-ap-01116-BR

38
39 DECLARATION OF HARRIS WINSBERG
40 IN SUPPORT OF BAY POINT CAPITAL
41 PARTNERS II, LP'S MOTION FOR
42 ENTRY OF DEFAULT JUDGMENT ON
43 NON-DISCHARGEABILITY OF DEBT
44 PURSUANT TO 11 U.S.C. § 523(a)(2)(A)
45 AGAINST DEBTOR-DEFENDANT.

46 I, Harris Winsberg, declare as follows:

47

48

1 1. I have personal knowledge of the facts stated in this Declaration. I am over the
2 age of 18 years and am competent and qualified to execute this Declaration.

3 2. I am a partner in the law firm of Troutman Pepper Hamilton Sanders LLP
4 (“**Troutman**”) and serve as counsel to Bay Point Capital Partners II, LP (“**Bay Point**”) in the
5 bankruptcy case (“**Bankruptcy Action**”) of Jonathan Lee Smith (“**Debtor**”), as well as in the
6 above-captioned adversary proceeding (the “**Adversary Proceeding**”) and in a civil action filed
7 by Bay Point against the Debtor on January 22, 2021 in the United States District Court for the
8 Northern District of Georgia, *Bay Point Capital Partners II, LP v. Hoplite, Inc. et al.*, No. 1:21-
9 cv-00375-MLB (N.D. Ga.) (the “**District Court Action**”).

10 3. I am admitted to this Court *pro hac vice* for purposes of the Bankruptcy Action
11 and this Adversary Proceeding.

12 4. I submit this Declaration in support of Bay Point’s Motion for Entry of Default
13 Judgment on Non-Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(2)(A).

14 5. As detailed in **Exhibit A** attached hereto, Bay Point has incurred, and has paid,
15 \$297,332.93 in attorneys’ fees and litigation expenses for legal services that Troutman has
16 provided through March 30, 2021 in connection with Bay Point’s efforts to prosecute the
17 Debtor’s fraud in the District Court Action.

18 6. Attached as **Exhibit A** are redacted billing records for work performed by
19 Troutman attorneys and non-attorney timekeepers from January 5, 2021 to March 30, 2021,
20 detailing the fees and expenses Bay Point has incurred in connection with the District Court
21 Action through the date of Debtor’s bankruptcy filing.

22 7. Troutman bills Bay Point for work at standard hourly rates established for each
23 attorney who works at the firm. Those rates reflect the relative experience and expertise of each
24 lawyer and the geographic locations in which each lawyer practices. Troutman delegates work to
25 lawyers with the appropriate level of seniority, and further distributes work among the team as
26 needed depending on timing and various priorities of the case. Where appropriate, Troutman also
27 delegates work to non-lawyer timekeepers. Work on this matter primarily has been performed
28 out of Troutman’s Atlanta office. The hourly rates that apply to this particular matter are, as

1 reflected in **Exhibit A**: Harris Winsberg, Atlanta-based Partner, \$935/hour; Justin Wood, Atlanta-
2 based Partner, \$790/hour; Alexandra Peurach, Atlanta-based Partner, \$750/hour; Nathan
3 DeLoatch, Atlanta-based Associate, \$450/hour; Christopher Kelleher, Atlanta-based Associate,
4 \$430/hour; Catherine Ward, Atlanta-based Paralegal, \$305/hour; and Katherine Calloway,
5 Washington, D.C.-based Paralegal, \$290/hour.

6 8. The above-named timekeepers charged the following amounts for time associated
7 with the District Court Action through the date that the Debtor filed his bankruptcy petition:

Timekeeper	Hours	Rate	Dollar Value
<i>Billable Legal Work</i>			
Harris Winsberg	110.7	\$935	\$103,504.50
Justin Wood	3.4	\$790	\$2,686.00
Alexandra Peurach	135.1	\$750	\$101,325.00
Nathan DeLoatch	17.0	\$450	\$7,650.00
Christopher Kelleher	174.6	\$430	\$75,078.00
Catherine Ward	4.0	\$305	\$1,220.00
Katherine Calloway	0.9	\$290	\$261.00
<i>Miscellaneous Costs and Expenses</i>			
Additional expenses and filing fees	N/A	N/A	\$5,608.43
Total			\$297,332.93

23 9. In compiling the hours and charges reflected in Paragraph 8 above, I reviewed our
24 firm's invoices to Bay Point and isolated the charges that related to Bay Point's prosecution of the
25 Debtor's fraud in the District Court Action. In particular, those charges included: reviewing,
26 drafting and filing the Complaint and Amended Complaint; reviewing, drafting and filing a
27 Motion for the Appointment of a Receiver, which the Debtor opposed; responding to the Debtor's
28

1 Motion to Dismiss; preparing for and conducting three evidentiary hearings on Bay Point's
2 Motion for the Appointment of a Receiver; supporting Marshall Glade in his capacity as the
3 Court-appointed agent for Bay Point in carrying out the terms of the Court's Order on Bay Point's
4 Motion for Appointment of a Receiver; analyzing documentary evidence produced by the Debtor
5 following the District Court's Order on Bay Point's Motion for the Appointment of a Receiver;
6 preparing for and taking the deposition of the Debtor; investigating the conduct underpinning Bay
7 Point's claims; and tasks related to those general areas of work. In compiling these fees and
8 charges, I excluded (a) time spent on tasks unrelated to the prosecution of Bay Point's fraud-
9 based claims against Debtor, (b) other work not directly related to Bay Point's claims; and (c)
10 work conducted after the Debtor filed his bankruptcy petition on March 30, 2021.

11 10. The fees of the Troutman attorneys and non-attorney timekeepers that worked on
12 this matter are reflected in the redacted statements attached hereto as **Exhibit A**. These records
13 accurately set forth a detailed description of the services performed by each of the Troutman
14 professionals working on the case (with redactions for information protected by the attorney-
15 client privilege and the attorney work product privilege), the hourly rates charged by those
16 professionals for this work, and the amount of the fees charged for those services. The costs and
17 expenses incurred by Troutman in connection with this matter are also listed in the statements
18 attached as **Exhibit A**.

19 11. The unredacted information in the statements attached as **Exhibit A** reflects all
20 time and work associated with prosecuting Bay Point's fraud the District Court Action on a per-
21 attorney, per-day basis from January 5, 2021 through March 30, 2021, along with applicable
22 billing rates, and is included in the table that appears in Paragraph 9 above. Should the Court
23 direct it, I will submit unredacted versions of the billing records for the Court's *in camera* review.

24 12. I have personal knowledge of the work that was performed and reflected in
25 **Exhibit A**. Based on my experience and knowledge, the time spent was reasonable and
26 necessary. Indeed, the nearly 50 separate entries on the District Court Action docket evidence the
27 substantial time and resources required to litigate Bay Point's claims in the District Court Action.
28 See District Court Action Docket (attached hereto as **Exhibit B**).

1 13. I am familiar with the hourly billing rates charged by similarly situated law firms
2 in Atlanta for litigation work similar to these actions. Based on my experience, and in my
3 opinion, the hourly billing rates for the attorneys listed above are reasonable and customary based
4 upon the levels of educations and experience of the attorneys and non-attorney timekeepers
5 involved, and are in line with rates that are usual and customary to those of other similar law
6 firms in Atlanta.

7 14. On August 27, 2021, Bay Point filed a Request for Clerk to Enter Default Under
8 Local Bankruptcy Rule 7055-1(a) against the Debtor as to the Non-Dischargeability Complaint
9 (the “**Request for Entry of Default**”). That same day, Bay Point served the Request for Entry of
10 Default on the Debtor, by causing it to be mailed to the address provided by the Debtor in his
11 Bankruptcy Case: 506 N. Croft Avenue, Los Angeles, CA 90048. Bay Point also mailed, and
12 emailed, the Request for Entry of Default to the Debtor’s counsel of record in the Bankruptcy
13 Case. Bay Point included the Debtor on the email to the Debtor’s bankruptcy counsel by copying
14 jon@hopliefilms.com.

15 15. On September 4, 2021, Bay Point’s mailing to the Debtor of the Request for Entry
16 of Default was returned to sender as undelivered. As of September 15, 2021, the copies of the
17 Request for Entry of Default that Bay Point served on the Debtor’s bankruptcy attorney have not
18 been returned.

19 16. In connection with the filing of Bay Point’s Motion for Entry of Default Judgment
20 on Non-Dischargeability of Debt Pursuant to 11 U.S.C. § 523(a)(2)(A), I obtained a Status Report
21 from the United States Department of Defense Manpower Data Center indicating that, as of
22 September 13, 2021, the Debtor is not currently on active duty in the armed forces of the United
23 States. *See* Department of Defense Status Report (attached hereto as **Exhibit C**).

24 Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is
25 true and correct.

26 Executed on September 15, 2021, at Atlanta, Georgia.

27 
28 Harris Winsberg

EXHIBIT A

Troutman Pepper Hamilton Sanders LLP
305 Church at North Hills Street
Suite 1200
Raleigh, NC 27609

troutman.com



Federal ID No.:

58-0946915

Payment Remittance Address

Troutman Pepper Hamilton Sanders LLP
P.O. Box 933652
Atlanta, Georgia 31193-3652

Billing Inquiries:

404-885-2508

Bay Point Advisors, LLC
Attn: Greg Jacobs
3050 Peachtree Road
Suite 2
Atlanta, GA 30305

Invoice Date	02/19/21
Submitted by	J A Wood
Direct Dial	919-835-4138
Invoice No.	30115677
Firm Ref. No.	255018.000036

RE: Hoplite Loan Litigation

Fees for Professional Services Rendered Through 01/31/21	\$99,721.00
Costs and Expenses Through 01/31/21	\$1,397.52
Total Amount of This Invoice	\$101,118.52

Invoice Date 02/19/21
Invoice Number 30115677
File No. 255018.000036
Page 2



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 01/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
01/05/21	N DeLoatch	Review and analyze [REDACTED] [REDACTED]	3.0	1,350.00
01/05/21	H Winsberg	Review correspondence on [REDACTED] and conference call with client regarding [REDACTED]; review forbearance documents	3.8	3,553.00
01/05/21	J Wood	Calls with Harris Winsberg and Bay Point; email correspondence	1.1	869.00
01/06/21	N DeLoatch	Review and analyze loan documents; review [REDACTED] [REDACTED]; [REDACTED]	8.0	3,600.00
01/06/21	C Kelleher	Initial review of loan documents	0.8	344.00
01/06/21	H Winsberg	Review loan documents, [REDACTED] and [REDACTED] [REDACTED] and correspond with client regarding [REDACTED]; call with John Isbell on [REDACTED] [REDACTED] [REDACTED]	4.8	4,488.00
01/06/21	J Wood	Calls and email correspondence with Harris Winsberg	0.5	395.00
01/07/21	K Calloway	Order searches	0.4	116.00
01/07/21	N DeLoatch	Review and analyze [REDACTED]; analyze and develop [REDACTED]	6.0	2,700.00
01/07/21	C Kelleher	Draft Complaint against Hoplite entities	5.4	2,322.00
01/07/21	C Kelleher	Correspond with Harris Winsberg regarding [REDACTED] [REDACTED]	0.2	86.00
01/07/21	C Kelleher	Continue drafting Complaint against Hoplite entities	2.0	860.00
01/07/21	C Kelleher	Conference with Harris Winsberg regarding drafting of complaint	0.2	86.00
01/07/21	H Winsberg	Review loan origination files and conference calls with Baypoint on [REDACTED]; review [REDACTED] [REDACTED]	4.5	4,207.50
01/08/21	C Kelleher	Finalize initial draft of Complaint and send same to Harris Winsberg for review	10.0	4,300.00
01/08/21	H Winsberg	Review issues on Hoplite litigation matters and update with client regarding [REDACTED]	2.8	2,618.00
01/08/21	J Wood	Review and comment on draft complaint; email correspondence with Harris Winsberg	1.8	1,422.00

Invoice Date 02/19/21
Invoice Number 30115677
File No. 255018.000036
Page 3



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 01/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
01/09/21	C Kelleher	Revise Complaint to incorporate suggested edits from Harris Winsberg	0.6	258.00
01/10/21	A Peurach	Review draft complaint	0.8	600.00
01/11/21	C Kelleher	Correspond with Harris Winsberg and Alex Peurach regarding draft of Complaint	0.3	129.00
01/11/21	C Kelleher	Review and revise Complaint to address comments from Alex Peurach	2.0	860.00
01/11/21	A Peurach	Comment on draft complaint; telephone conference with Harris Winsberg regarding matter; review and analyze correspondence	1.8	1,350.00
01/11/21	H Winsberg	Conference calls with the client [REDACTED] [REDACTED]; [REDACTED] [REDACTED]	1.6	1,496.00
01/12/21	C Kelleher	Correspond with Alex Peurach regarding [REDACTED]	0.2	86.00
01/12/21	C Kelleher	Conference with Alex Peurach regarding [REDACTED]	0.5	215.00
01/12/21	C Kelleher	Revise Complaint and send same to Alex Peurach for review	1.0	430.00
01/12/21	C Kelleher	Revise Complaint to incorporate additional revisions from Alex Peurach	0.7	301.00
01/12/21	A Peurach	Review and analyze background documents and legal research; telephone conference with Chris Kelleher regarding complaint, legal research and strategy; telephone conference with Harris Winsberg regarding same; review and revise complaint	3.3	2,475.00
01/12/21	H Winsberg	Review federal claims in connection with proposed complaint; review [REDACTED]; review and revise proposed verified complaint and [REDACTED] [REDACTED]	1.6	1,496.00
01/13/21	C Kelleher	Draft Motion for Appointment of Receiver	5.5	2,365.00
01/13/21	A Peurach	Review correspondence regarding comments to complaint	0.3	225.00
01/13/21	H Winsberg	Review receiver standards for appointment; correspond with client on [REDACTED] [REDACTED]	1.1	1,028.50
01/14/21	C Kelleher	Finalize draft of Motion for Appointment of Receiver	5.3	2,279.00
01/14/21	A Peurach	Telephone conference with Chandler Rierson, Rob Moran and Harris Winsberg regarding [REDACTED]; correspondence regarding complaint; review and revise motion for receiver	1.7	1,275.00

Invoice Date 02/19/21
Invoice Number 30115677
File No. 255018.000036
Page 4



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 01/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
01/14/21	H Winsberg	Conference call with client [REDACTED]; update on changes to proposed complaint; review new correspondence to incorporate into the proposed claim and correspond with working group regarding [REDACTED]	2.2	2,057.00
01/15/21	C Kelleher	Review and revise Complaint to incorporate client revisions	1.5	645.00
01/15/21	C Kelleher	Review and revise Complaint, Motion, and Brief in Support of Motion, and send same to Alex Peurach and Harris Winsberg for review	2.7	1,161.00
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
01/15/21	A Peurach	Review and revise drafts of complaint; correspondence regarding same and background	1.1	825.00
01/15/21	H Winsberg	Review and revise verified complaint and [REDACTED] [REDACTED]; review and revise motion to appoint a receiver	1.7	1,589.50
01/16/21	C Kelleher	Review and revise Complaint and Motion for Appointment of Receiver to incorporate revisions from Alex Peurach and Harris Winsberg	1.9	817.00
01/16/21	A Peurach	Review latest drafts of complaint and receiver motion; correspondence regarding same	1.2	900.00
01/16/21	H Winsberg	Review UCC lien searches and update receivership motion regarding the same; correspond with client [REDACTED]	1.3	1,215.50
01/17/21	A Peurach	Review and revise complaint and receiver motion	0.8	600.00
01/17/21	H Winsberg	Review and revise receivership motion and verified complaint	1.2	1,122.00
01/18/21	C Kelleher	Review and revise Complaint and Motion for Appointment of Receiver to incorporate edits from Harris Winsberg and Alex Peurach	3.2	1,376.00
01/18/21	H Winsberg	Correspond with client on [REDACTED]	0.8	748.00
01/19/21	H Winsberg	Review and revise motion to appoint a receiver and revise complaint regarding the same; correspond on action items for	2.6	2,431.00

Invoice Date 02/19/21
Invoice Number 30115677
File No. 255018.000036
Page 5



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 01/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
		case filings		
01/20/21	H Winsberg	Update with working group on [REDACTED] [REDACTED]; follow up on action items regarding the same	2.8	2,618.00
01/21/21	K Calloway	Review lien searches and circulate chart	0.5	145.00
		[REDACTED]	[REDACTED]	[REDACTED]
01/21/21	C Kelleher	Correspond with Alex Peurach regarding [REDACTED] [REDACTED]	0.2	86.00
		[REDACTED]	[REDACTED]	[REDACTED]
01/21/21	C Kelleher	Review and revise Complaint and supporting documents	0.7	301.00
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
01/22/21	C Kelleher	Finalize Complaint and supporting documents and prepare same for filing in Northern District of Georgia	3.8	1,634.00
01/22/21	A Peurach	Correspondence regarding forbearance, complaint, motion for receiver and filings; review and comment on complaint and motion for receiver in preparation for filing; manage filing of same	2.1	1,575.00
01/22/21	H Winsberg	Review and revise court papers and correspond with client on [REDACTED] [REDACTED]	2.8	2,618.00
01/25/21	C Kelleher	Draft litigation hold/preservation notice for use in litigation	1.3	559.00
		[REDACTED]	[REDACTED]	[REDACTED]
01/25/21	C Kelleher	Draft waivers of service of summons	0.2	86.00
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]	[REDACTED]	[REDACTED]

Invoice Date 02/19/21
Invoice Number 30115677
File No. 255018.000036
Page 6



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 01/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
01/26/21	C Kelleher	Review correspondence from Harris Winsberg regarding [REDACTED]	0.2	86.00
01/26/21	A Peurach	Review and revise litigation hold notice; correspondence regarding same [REDACTED]	0.6	450.00
		[REDACTED]		
01/28/21	H Winsberg	Review potential case strategy options and follow up with working group regarding the same	0.9	841.50
01/29/21	C Kelleher	Prepare and serve various filings relating to motion for receivership	1.8	774.00
01/29/21	A Peurach	Correspondence regarding waivers of service, motion for receiver and discovery; telephone conference with Harris Winsberg regarding strategy; analyze offensive litigation strategy	1.8	1,350.00
Total:				159.9 99,721.00

Invoice Date 02/19/21
Invoice Number 30115677
File No. 255018.000036
Page 7



Bay Point Advisors, LLC
Hoplite Loan Litigation

TIMEKEEPER TIME SUMMARY THROUGH 01/31/21

Name	Rate	Hours	Amount
Calloway, Katherine C.	290.00	0.9	261.00
DeLoatch, Nathan T	450.00	17.8	8,010.00
Kelleher, Christopher J.	430.00	69.1	29,713.00
Lisauskas, Lauren	420.00	1.3	546.00
Peurach, Alexandra S.	750.00	24.4	18,300.00
Winsberg, Harris B.	935.00	43.0	40,205.00
Wood, Justin A.	790.00	3.4	2,686.00

FOR COSTS AND EXPENSES INCURRED THROUGH 01/31/21

Date	Description	Amount
01/21/21	Filing Fees - VENDOR: CT Lien Solutions INVOICE#: 03402626 DATE: 1/21/2021 Invoice #:03402626 Tran Date:01/21/2021 Description:Lien/Litigation Searches	995.52
01/27/21	Filing Fees - VENDOR: Theriot, Jamie INVOICE#: 4430959901272054 DATE: 1/27/2021 Jaime Theriot - Filing Fees, 01/22/21, Filing fee for Complaint	402.00
Total:		1,397.52
Total Fees & Costs:		\$101,118.52

Troutman Pepper Hamilton Sanders LLP
305 Church at North Hills Street
Suite 1200
Raleigh, NC 27609

troutman.com



Federal ID No.:

58-0946915

Payment Remittance Address

Troutman Pepper Hamilton Sanders LLP
P.O. Box 933652
Atlanta, Georgia 31193-3652

Billing Inquiries:

404-885-2508

Bay Point Advisors, LLC
Attn: Greg Jacobs
3050 Peachtree Road
Suite 2
Atlanta, GA 30305

Invoice Date
Submitted by
Direct Dial
Invoice No.
Firm Ref. No.

02/19/21
J A Wood
919-835-4138
30115677
255018.000036

RE: Hoplite Loan Litigation

Total Amount of This Invoice

\$101,118.52

Electronic Payments

Wells Fargo Bank, N.A., Atlanta, Georgia
ACH/ABA #061000227
WIRE/ABA #121000248

To Credit Troutman Pepper Hamilton Sanders LLP
Operating Account #2052700305792
Reference Attorney: Justin A Wood
Reference Client: 255018
From International Locations please add
Swift Address/Code: WFBI US 6S

Troutman Pepper Hamilton Sanders LLP
305 Church at North Hills Street
Suite 1200
Raleigh, NC 27609

troutman.com



Federal ID No.:

58-0946915

Payment Remittance Address

Troutman Pepper Hamilton Sanders LLP
P.O. Box 933652
Atlanta, Georgia 31193-3652

Billing Inquiries:

404-885-2508

Bay Point Advisors, LLC
Attn: Greg Jacobs
3050 Peachtree Road
Suite 2
Atlanta, GA 30305

Invoice Date	03/12/21
Submitted by	J A Wood
Direct Dial	919-835-4138
Invoice No.	30125197
Firm Ref. No.	255018.000036

RE: Hoplite Loan Litigation

Fees for Professional Services Rendered Through 02/28/21	\$97,134.00
Costs and Expenses Through 02/28/21	\$372.28
Total Amount of This Invoice	\$97,506.28

Invoice Date 03/12/21
Invoice Number 30125197
File No. 255018.000036
Page 2



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 02/28/21

Date	Tkpr	Description of Work Performed	Hours	Amount
02/01/21	H Winsberg	Update with proposed receiver; correspond with opposing counsel; review strategic options for [REDACTED] [REDACTED]	1.5	1,402.50
02/02/21	C Kelleher	Conference with Alex Peurach and Harris Winsberg regarding Hearing on Motion for Appointment of Receiver	0.5	215.00
02/02/21	C Kelleher	Draft Proposed Order Granting Motion for Appointment of Receiver for submission to Court in advance of hearing	4.2	1,806.00
02/02/21	A Peurach	Correspondence regarding hearing on motion for appointment of receiver; telephone conference with Harris Winsberg and Chris Kelleher regarding same; prepare for hearing on motion for appointment of receiver; correspondence regarding hearing	4.4	3,300.00
02/02/21	H Winsberg	Call with Alex and John [REDACTED]; review docket text entry and update with client regarding [REDACTED] [REDACTED]	1.2	1,122.00
02/03/21	C Kelleher	Initial witness preparation meeting with Chandler Rierson	0.8	344.00
02/03/21	C Kelleher	Conference with Alex Peurach and Harris Winsberg regarding strategy for hearing	0.5	215.00
02/03/21	C Kelleher	Legal research and analysis regarding [REDACTED] [REDACTED]	1.9	817.00
02/03/21	C Kelleher	Conference with Harris Winsberg regarding Court's request for response regarding consent to extension	0.1	43.00
02/03/21	C Kelleher	Draft direct examination of Chandler Rierson	1.6	688.00
02/03/21	A Peurach	Review legal research regarding appointment of receiver; telephone conference with Harris Winsberg and Chris Kelleher to prepare for hearing on motion for appointment of receiver; video conference with Chandler Rierson, Harris Winsberg and Chris Kelleher regarding [REDACTED]; prepare for hearing on motion for appointment of receiver; review and revise proposed order appointing receiver; correspondence regarding matter	8.0	6,000.00
02/03/21	H Winsberg	Correspond with opposing counsel and client on [REDACTED] [REDACTED] and update with client regarding [REDACTED] [REDACTED]; conference call with Chandler Reirson [REDACTED] [REDACTED]; review and revise order granting the motion to appoint a receiver	1.8	1,683.00
02/04/21	C Kelleher	Continue drafting Chandler Rierson direct examination	0.5	215.00
02/04/21	A Peurach	Telephone conference with Harris Winsberg regarding hearing on motion for receiver	0.5	375.00

Invoice Date 03/12/21
 Invoice Number 30125197
 File No. 255018.000036
 Page 3



Bay Point Advisors, LLC
 Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 02/28/21

Date	Tkpr	Description of Work Performed	Hours	Amount
02/04/21	H Winsberg	Call with Alex Peurach on preparation of motion to appoint a receiver	0.5	467.50
02/05/21	C Kelleher	Prepare exhibits for use at motions hearing	0.7	301.00
02/05/21	C Kelleher	Review and revise Chandler Rierson direct examination and accompanying exhibits	1.8	774.00
02/05/21	A Peurach	Draft direct examination outline for Chandler Rierson; correspondence regarding exhibit protocol for hearing	4.2	3,150.00
02/06/21	H Winsberg	Review materials and prepare for receivership hearing	0.6	561.00
02/07/21	H Winsberg	Review materials and prepare for receivership hearing	0.5	467.50
02/08/21	C Kelleher	Review Hoplite's response brief and draft analysis of same	1.5	645.00
02/08/21	C Kelleher	Conference with Alex Peurach regarding exhibit preparation for hearing	0.3	129.00
02/08/21	C Kelleher	Attend and participate in witness preparation session with Chandler Rierson	2.3	989.00
02/08/21	C Kelleher	Prepare receivership hearing exhibits for final production	0.3	129.00
02/08/21	A Peurach	Review and analyze Hoplite's response to motion for appointment of receiver; draft direct examination outline for Chandler Rierson; prepare Chandler Rierson for hearing testimony with Harris Winsberg and Chris Kelleher; prepare for hearing on motion for appointment of receiver; correspondence regarding same	6.7	5,025.00
02/08/21	H Winsberg	Review defendants response brief and update client on [REDACTED]; attend preparation session with Chandler Rierson	3.5	3,272.50
02/09/21	C Kelleher	Legal research and analysis regarding [REDACTED]	0.7	301.00
02/09/21	C Kelleher	Meeting with Alex Peurach and Harris Winsberg regarding hearing preparation and strategy	1.1	473.00
02/09/21	C Kelleher	Finalize exhibits, prepare binders of same, and circulate to court	1.2	516.00
02/09/21	C Kelleher	Draft cross examination of Jonathan Lee Smith for use at hearing	3.2	1,376.00
02/09/21	A Peurach	Prepare for hearing on motion for appointment of receiver; review and revise draft cross examination outline for Jon Smith; meeting with Harris Winsberg and Chris Kelleher regarding same; correspondence regarding same and Columbia State	5.8	4,350.00

Invoice Date 03/12/21
Invoice Number 30125197
File No. 255018.000036
Page 4



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 02/28/21

Date	Tkpr	Description of Work Performed	Hours	Amount
02/09/21	H Winsberg	Bank loan; telephone conferences with Harris Winsberg regarding same and hearing		
02/09/21	H Winsberg	Prepare for receivership hearing; correspond with court and client on case updates and in person hearing; correspond with client on [REDACTED] and with Columbia Bank on its allegations with respect to the subordination agreement	5.5	5,142.50
02/10/21	C Kelleher	Revise cross examination of Jonathan Smith [REDACTED] [REDACTED]	0.9	387.00
02/10/21	C Kelleher	Update exhibits for use at hearing	0.5	215.00
02/10/21	C Kelleher	Attend and participate in hearing on motion for appointment of receiver	4.0	1,720.00
02/10/21	C Kelleher	Draft proposed order granting preliminary injunction, and send same to Harris Winsberg and Alex Peurach for review	2.1	903.00
02/10/21	C Kelleher	Review and revise Proposed Order Granting Preliminary Injunction and send same to opposing counsel for review	1.1	473.00
02/10/21	A Peurach	Prepare for and attend hearing on motion for receiver; review and revise injunction order; correspondence regarding same	8.9	6,675.00
02/10/21	H Winsberg	Prepare for hearing; call with Columbia Bank's counsel on allegations contained in its letter; attend hearing on motion to appoint a receiver; review and revise proposed court injunction in light of the court's oral ruling and correspond with client and opposing counsel regarding [REDACTED]	8.5	7,947.50
02/11/21	C Kelleher	Attend follow-up hearing regarding proposed preliminary injunction	0.9	387.00
02/11/21	C Kelleher	Conference with Harris Winsberg and Alex Peurach regarding proposed revisions to preliminary injunction	0.5	215.00
02/11/21	A Peurach	Revise proposed order granting preliminary injunction for submission to court; attend hearing with Court regarding proposed order; further revise order granting preliminary injunction; correspondence regarding same; telephone conference with Harris Winsberg regarding same	4.2	3,150.00
02/11/21	H Winsberg	Correspond with opposing counsel and client on Defendants' proposed changes to the proposed injunction order; attend court hearing on disputes regarding the proposed edits to the injunction order and update client regarding [REDACTED]; revise proposed injunction order in light of court's oral ruling; review injunction order entered by the court and update client regarding [REDACTED]	4.5	4,207.50

Invoice Date 03/12/21
Invoice Number 30125197
File No. 255018.000036
Page 5



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 02/28/21

Date	Tkpr	Description of Work Performed	Hours	Amount
02/12/21	C Kelleher	Research and analysis regarding various information for Marshall Glade	0.9	387.00
02/12/21	A Peurach	Review court order granting preliminary injunction; analyze strategy and next steps; correspondence regarding Marshall Glade inspection and access to records	1.0	750.00
02/12/21	H Winsberg	Correspond with opposing counsel and client on [REDACTED] [REDACTED]	0.5	467.50
02/16/21	C Kelleher	Receive document production from opposing counsel and upload same to secure site to share with client	0.3	129.00
02/16/21	A Peurach	Correspondence regarding assisting Marshall Glade with execution of Order and production of documents from Smith and Hoplite	0.5	375.00
02/17/21	C Kelleher	Download supplemental document production and send same to client for review	0.2	86.00
02/17/21	C Kelleher	Download revised document production and send same to client for review	0.2	86.00
02/18/21	C Kelleher	Upload supplemental document production and send same to client for review	0.2	86.00
02/22/21	C Kelleher	Review and analyze Motion to Dismiss	0.5	215.00
02/22/21	A Peurach	Review and analyze Hoplite motion to dismiss; correspondence regarding same	1.2	900.00
02/22/21	H Winsberg	Review motion to dismiss filed by Defendants and update with client [REDACTED]	1.2	1,122.00
02/23/21	C Kelleher	Conference with Alex Peurach and Harris Winsberg regarding response to Motion to Dismiss	0.8	344.00
02/23/21	C Kelleher	Review and analyze Motion to Dismiss and send analysis of same to Alex Peurach and Harris Winsberg	6.7	2,881.00
02/23/21	C Kelleher	Conduct [REDACTED] analysis regarding [REDACTED] [REDACTED]	0.6	258.00
02/23/21	C Kelleher	Correspond with Alex Peurach regarding analysis of Motion to Dismiss	0.7	301.00
02/23/21	A Peurach	Review and analyze motion to dismiss and potential response to same; telephone conference with Harris Winsberg and Chris Kelleher regarding same; review legal research regarding [REDACTED] [REDACTED]; review loan documents regarding same; draft outline regarding arguments in response to motion dismiss	3.2	2,400.00

Invoice Date 03/12/21
Invoice Number 30125197
File No. 255018.000036
Page 6



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 02/28/21

Date	Tkpr	Description of Work Performed	Hours	Amount
02/23/21	H Winsberg	Correspond with Defendants' counsel on compliance with the court's order on turn over of documents; review motion to dismiss matters [REDACTED] [REDACTED]	2.5	2,337.50
02/24/21	C Kelleher	Conference with Alex Peurach and Harris Winsberg regarding [REDACTED]	0.6	258.00
02/24/21	A Peurach	Analyze strategy for responding to Bay Point motion to dismiss and Hoplite's refusal to provide documents; telephone conference with Harris Winsberg and Chris Kelleher regarding [REDACTED]; correspondence regarding same	1.0	750.00
02/24/21	H Winsberg	Review motion to dismiss matters and case action items with Alex Peurach and Chris Kelleher and follow up on action items regarding the same	1.5	1,402.50
02/25/21	C Kelleher	Correspond with Harris Winsberg and Alex Peurach regarding Defendants' request for expedited hearing	0.5	215.00
02/25/21	A Peurach	Correspondence regarding amended complaint; review original complaint and revise [REDACTED] [REDACTED]	2.2	1,650.00
02/25/21	H Winsberg	Review case strategy and follow up with client on [REDACTED] [REDACTED]; review proposed amendments with Alex Peurach; call with Defendants' counsel on request for hearing and respond to court regarding the same	1.8	1,683.00
02/26/21	C Kelleher	Review and revise First Amended Complaint	4.9	2,107.00
02/26/21	H Winsberg	Call with Marshall Glade and review correspondence regarding request for additional documents	1.4	1,309.00
02/27/21	C Kelleher	Review and revise First Amended Complaint	2.0	860.00
02/27/21	A Peurach	Review and revise amended complaint	1.6	1,200.00
Total:				142.7 97,134.00

Invoice Date 03/12/21
Invoice Number 30125197
File No. 255018.000036
Page 7



Bay Point Advisors, LLC
Hoplite Loan Litigation

TIMEKEEPER TIME SUMMARY THROUGH 02/28/21

Name	Rate	Hours	Amount
Kelleher, Christopher J.	430.00	52.3	22,489.00
Peurach, Alexandra S.	750.00	53.4	40,050.00
Winsberg, Harris B.	935.00	37.0	34,595.00

FOR COSTS AND EXPENSES INCURRED THROUGH 02/28/21

Date	Description	Amount
02/10/21	Court Reporter/Deposition Costs - VENDOR: JanaColter LLC INVOICE#: 20200496 DATE: 2/10/2021 2/11/2021 Hearing Transcript	319.20
02/17/21	Outside Courier Services - VENDOR: Georgia Messenger Service, Inc. INVOICE#: 322986 DATE: 2/12/2021 Date:02/09/2021 Job Code:RIERSEN To:1274 BRIARWOOD RD NE	25.14
02/17/21	Outside Courier Services - VENDOR: Georgia Messenger Service, Inc. INVOICE#: 322986 DATE: 2/12/2021 Date:02/11/2021 Job Code:KELLER To:JANA COLTER COURT REPORT	27.94
	Total:	372.28
	Total Fees & Costs:	\$97,506.28

Troutman Pepper Hamilton Sanders LLP
305 Church at North Hills Street
Suite 1200
Raleigh, NC 27609

troutman.com



Federal ID No.:

58-0946915

Payment Remittance Address

Troutman Pepper Hamilton Sanders LLP
P.O. Box 933652
Atlanta, Georgia 31193-3652

Billing Inquiries:

404-885-2508

Bay Point Advisors, LLC
Attn: Greg Jacobs
3050 Peachtree Road
Suite 2
Atlanta, GA 30305

Invoice Date
Submitted by
Direct Dial
Invoice No.
Firm Ref. No.

03/12/21
J A Wood
919-835-4138
30125197
255018.000036

RE: Hoplite Loan Litigation

Total Amount of This Invoice

\$97,506.28

Electronic Payments

Wells Fargo Bank, N.A., Atlanta, Georgia
ACH/ABA #061000227
WIRE/ABA #121000248

To Credit Troutman Pepper Hamilton Sanders LLP
Operating Account #2052700305792
Reference Attorney: Justin A Wood
Reference Client: 255018
From International Locations please add
Swift Address/Code: WFBI US 6S

Troutman Pepper Hamilton Sanders LLP
305 Church at North Hills Street
Suite 1200
Raleigh, NC 27609

troutman.com



Federal ID No.:

58-0946915

Payment Remittance Address

Troutman Pepper Hamilton Sanders LLP
P.O. Box 933652
Atlanta, Georgia 31193-3652

Billing Inquiries:

404-885-2508

Bay Point Advisors, LLC
Attn: Greg Jacobs
3050 Peachtree Road
Suite 2
Atlanta, GA 30305

Invoice Date	04/14/21
Submitted by	J A Wood
Direct Dial	919-835-4138
Invoice No.	30141079
Firm Ref. No.	255018.000036

RE: Hoplite Loan Litigation

Fees for Professional Services Rendered Through 03/31/21	\$119,818.50
Total Fees	\$119,818.50
Costs and Expenses Through 03/31/21	\$3,838.63
Total Amount of This Invoice	\$123,657.13

Invoice Date 04/14/21
Invoice Number 30141079
File No. 255018.000036
Page 2



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 03/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
03/01/21	C Kelleher	Review and revise Amended Complaint, and send copy of same to Harris Winsberg for review	2.9	1,247.00
03/02/21	C Kelleher	Draft Notice of Deposition of Jonathan Lee Smith	0.4	172.00
03/03/21	C Kelleher	Review Loan Agreement and revise Amended Complaint to incorporate various provisions	1.3	559.00
03/03/21	A Peurach	Correspondence regarding documents from Jon Smith, amended complaint and Smith deposition	1.3	975.00
03/04/21	C Kelleher	Review and revise Amended Complaint to incorporate revisions from Alex Peurach	0.8	344.00
03/04/21	A Peurach	Review and comment on amended complaint; correspondence regarding same and deposition	0.8	600.00
03/04/21	H Winsberg	Review and revise amended complaint and update client regarding [REDACTED]	1.8	1,683.00
03/05/21	C Kelleher	Finalize and serve Notice of Deposition of Jonathan Lee Smith	0.6	258.00
03/05/21	A Peurach	Review and comment on latest draft of amended complaint	1.2	900.00
03/05/21	H Winsberg	Review deposition notice; follow up with client on [REDACTED]; follow up on defendants' compliance with the court order on turn over of documents	1.6	1,496.00
03/08/21	C Kelleher	Finalize draft of Amended Complaint and coordinate filing of same	3.8	1,634.00
03/08/21	C Kelleher	Conference with Harris Winsberg and Alex Peurach regarding Jon Smith deposition prep and final revisions to Amended Complaint	0.7	301.00
03/08/21	A Peurach	Review latest draft of amended complaint for filing; correspondence regarding same; telephone conference with Harris Winsberg and Chris Kelleher regarding same and Jon Smith deposition	1.6	1,200.00
03/08/21	H Winsberg	Review deposition topics to cover with Marshall Glade and then Alex Peurach for preparation of Smith's deposition	1.5	1,402.50
03/09/21	H Winsberg	Update client on [REDACTED] [REDACTED]	0.4	374.00
03/11/21	C Kelleher	Conference with Alex Peurach, Harris Winsberg, and Marshall Glade regarding financial statement analysis	1.2	516.00
03/11/21	C Kelleher	Conference with Harris Winsberg and Alex Peurach regarding Jon Smith deposition preparation	0.7	301.00

Invoice Date 04/14/21
Invoice Number 30141079
File No. 255018.000036
Page 3



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 03/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
03/11/21	C Kelleher	Review document production in preparation for deposition	1.4	602.00
03/11/21	A Peurach	Telephone conference with Harris Winsberg, Chris Kelleher and Marshall Glade regarding Hoplite production; telephone conference with Harris Winsberg and Chris Kelleher regarding Jon Smith deposition; telephone conference with Hoplite counsel regarding deposition and hearing; confer with Harris Winsberg regarding same; begin preparation for Jon Smith deposition	3.5	2,625.00
03/11/21	H Winsberg	Conference calls with Marshall Glade and Alex Peurach on Smith's deposition and analysis of documents produced by Hoplite and update with client on [REDACTED] [REDACTED]	2.2	2,057.00
03/12/21	C Kelleher	Review documents for Jon Smith deposition preparation	0.7	301.00
03/12/21	A Peurach	Prepare for Jon Smith deposition; telephone conference with Chris Kelleher regarding same	3.0	2,250.00
03/12/21	H Winsberg	[REDACTED]; update with Alex Peurach	1.4	1,309.00
03/14/21	C Kelleher	Draft Jonathan Lee Smith deposition outline and send same to Alex Peurach for review	7.1	3,053.00
03/14/21	A Peurach	Prepare for Jon Smith deposition	1.5	1,125.00
03/15/21	C Kelleher	Review and revise outline of Smith deposition and prepare related exhibits for use at deposition	3.5	1,505.00
03/15/21	A Peurach	Prepare for Jon Smith deposition	8.6	6,450.00
03/15/21	H Winsberg	Review deposition outline for Smith	0.5	467.50
03/16/21	C Kelleher	Attend Jon Smith deposition	6.6	2,838.00
03/16/21	C Kelleher	Pre- and post-deposition document compilation and identification	1.5	645.00
03/16/21	A Peurach	Prepare for Jon Smith deposition; depose Jon Smith; correspondence regarding deposition	8.0	6,000.00
03/16/21	H Winsberg	Update on Smith's deposition and follow up with client on [REDACTED]	0.8	748.00
03/17/21	C Kelleher	Correspond with Charles Andros and Alex Peurach regarding [REDACTED]	0.2	86.00
03/17/21	C Kelleher	Draft initial version of Marshall Glade Declaration	0.5	215.00
03/17/21	A Peurach	Correspondence regarding matter status and strategy;	1.3	975.00

Invoice Date 04/14/21
 Invoice Number 30141079
 File No. 255018.000036
 Page 4



Bay Point Advisors, LLC
 Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 03/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
		telephone conference with Harris Winsberg regarding same and preparation for hearing		
03/18/21	C Kelleher	Correspond with Marshall Glade regarding Jon Smith deposition	0.2	86.00
03/18/21	A Peurach	Review deposition transcript; correspondence regarding strategy in light of same	0.8	600.00
03/18/21	H Winsberg	Review receivership matters and discuss same with Marshall Glade	0.6	561.00
03/19/21	C Kelleher	Conference with Alex Peurach regarding supplemental statement in support of motion for appointment of receiver	0.2	86.00
03/19/21	A Peurach	Analyze order and strategy for hearing; telephone conference with Harris Winsberg regarding hearing preparation and strategy; prepare for hearing; telephone conference with Chris Kelleher regarding supplement to motion for receiver	2.2	1,650.00
03/19/21	C Ward	Review Jonathan Lee Smith deposition transcript and mark personal information for redactions	3.7	1,128.50
03/19/21	H Winsberg	Prepare for hearing on motion to appoint a receiver; phone calls with Marshall Glade and Alex Peurach regarding the same	1.8	1,683.00
03/20/21	C Kelleher	Review deposition transcript and mark relevant redactions of bank account information	1.1	473.00
03/20/21	H Winsberg	Update with client on [REDACTED]; prepare for hearing on appointment of a receiver	1.4	1,309.00
03/22/21	C Kelleher	Conference with Harris Winsberg regarding consent order for appointment of receiver	0.3	129.00
03/22/21	C Kelleher	Draft proposed consent order granting motion for appointment of receiver and send same to Harris Winsberg for review	1.1	473.00
03/22/21	C Kelleher	Draft statement of additional facts in support of motion for appointment of receiver and send same to Harris Winsberg and Alex Peurach for review	4.1	1,763.00
03/22/21	A Peurach	Review supplemental production; review Marshall Glade declaration; review supplement in support of appointment of a receiver; review Hoplite's motion to dismiss; correspondence regarding matter; telephone conference with Harris Winsberg regarding matter strategy	2.3	1,725.00
03/22/21	C Ward	Review Jonathan Lee Smith deposition transcript and mark personal information for redactions	0.3	91.50
03/22/21	H Winsberg	Phone calls with Charles Andros and John Isbell on [REDACTED]	3.5	3,272.50

Invoice Date 04/14/21
Invoice Number 30141079
File No. 255018.000036
Page 5



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 03/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
		█████████████████████; review and revise draft receivership order; prepare for hearing on receivership; review and revise statute report and call with Marshall Glade on his proposed declaration; review Hoplite's motion to dismiss the amended complaint		
03/23/21	C Kelleher	Conference with Marshall Glade regarding declaration for use at hearing	0.2	86.00
03/23/21	C Kelleher	Conference with Marshall Glade and Alex Peurach regarding hearing exhibits and declaration	0.4	172.00
03/23/21	C Kelleher	Conference with Alex Peurach regarding Marshall Glade declaration	0.2	86.00
03/23/21	C Kelleher	Conference with Alex Peurach and Harris Winsberg regarding final hearing preparation	0.5	215.00
03/23/21	C Kelleher	Serve courtesy copies of relevant filings in advance of hearing on motion for appointment of receiver	0.3	129.00
03/23/21	C Kelleher	Finalize supplemental documents in support of motion for appointment of receiver and send same to court for use at hearing	5.0	2,150.00
03/23/21	C Kelleher	Conference with Harris Winsberg and Alex Peurach regarding hearing preparation and exhibit compilation	0.4	172.00
03/23/21	A Peurach	Review Marshall Glade declaration; telephone conference with Marshall Glade and Chris Kelleher regarding same; telephone conference with Harris Winsberg and Chris Kelleher regarding same and notice of additional facts; review and revise notice of additional facts; correspondence regarding hearing and matter status; prepare for hearing	4.0	3,000.00
03/23/21	H Winsberg	Calls with Marshall Glade and Alex Puerach on preparation for the hearing on the motion to appoint the receiver; review and revise the notice of filings to be made in court in connection with the motion to appoint the receiver; review correspondence with Porta Pellex and 23 Capital on the subordination agreements; prepare for the receivership hearing and update with client regarding ██████████	3.6	3,366.00
03/24/21	C Kelleher	Attend hearing on motion for appointment of receiver	2.9	1,247.00
03/24/21	C Kelleher	Legal research and analysis regarding response to plaintiff's motion to dismiss	1.3	559.00
03/24/21	A Peurach	Prepare for and attend continued hearing on motion for appointment receiver	4.8	3,600.00

Invoice Date 04/14/21
 Invoice Number 30141079
 File No. 255018.000036
 Page 6



Bay Point Advisors, LLC
 Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 03/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
03/24/21	H Winsberg	Prepare for hearing and attending hearing on Bay Point's motion to appoint a receiver; update on client on [REDACTED]; discuss supplemental declaration from Marshall Glade	4.8	4,488.00
03/25/21	C Kelleher	Finalize research and analysis regarding response to motion to dismiss	3.2	1,376.00
03/25/21	C Kelleher	Conference with Alex Peurach regarding strategy [REDACTED]	0.7	301.00
03/25/21	A Peurach	Analyze Hoplite motion to dismiss and jurisdiction arguments; analyze arguments for response to same; telephone conference with Chris Kelleher regarding same; telephone conference with 23 Capital counsel regarding receiver; review Smith deposition transcript in preparation for hearing	4.0	3,000.00
03/25/21	H Winsberg	Outline action items for next steps and follow up with Alex Peurach and Marshall Glade regarding the same; review questions to be answered in court as well as jurisdiction statement matters	2.4	2,244.00
03/26/21	C Kelleher	Conference with Alex Peurach regarding statement in support of subject matter jurisdiction	0.2	86.00
03/26/21	C Kelleher	Draft preliminary statement in support of subject matter jurisdiction	5.0	2,150.00
03/26/21	A Peurach	Draft notice of filing transactions for Jon Smith cross examination; prepare for Jon Smith cross examination at hearing; telephone conference with Chris Kelleher regarding arguments for motion to dismiss response	3.2	2,400.00
03/26/21	H Winsberg	Update with Marshall Glade on supplemental declaration; review draft transcript; update with client on [REDACTED]	1.7	1,589.50
03/27/21	C Kelleher	Correspond with Alex Peurach regarding statement of questioned transactions	0.2	86.00
03/27/21	C Kelleher	Finalize draft of statement in support of court's subject matter jurisdiction and send same to Alex Peurach for review	1.8	774.00
03/27/21	A Peurach	Review and revise preliminary statement in support of jurisdiction and lists of transactions for Jon Smith cross examination	2.0	1,500.00
03/27/21	H Winsberg	Review and revise Hoplite notice of filing questions to present to defendants in connection with the receiver hearing	0.5	467.50
03/28/21	C Kelleher	Review and revise preliminary statement in support of subject matter jurisdiction and send same to Alex Peurach for review	0.4	172.00

Invoice Date 04/14/21
Invoice Number 30141079
File No. 255018.000036
Page 7



Bay Point Advisors, LLC
Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 03/31/21

Date	Tkpr	Description of Work Performed	Hours	Amount
03/28/21	A Peurach	Revise notice of filing list of transactions for cross examination of Jon Smith; review and analyze Jon Smith deposition transcript in preparation for cross examination	1.6	1,200.00
03/28/21	H Winsberg	Review and revise jurisdiction statement and correspond with Alex Peurach regarding the same	1.5	1,402.50
03/29/21	C Kelleher	Review and revise supplemental statement in support of subject matter jurisdiction	0.7	301.00
03/29/21	C Kelleher	Draft cross examination of Hoplite board of directors representative for use at hearing	3.0	1,290.00
03/29/21	C Kelleher	Review Jon Smith cross examination and revise citations and exhibits	0.4	172.00
03/29/21	A Peurach	Draft cross examination outline for Jon Smith; finalize notice of transactions and statement in support of subject matter jurisdiction; prepare for hearing on motion for receiver	5.0	3,750.00
03/29/21	H Winsberg	Review and revise notice of questions to be answered in court and statement in support of subject matter jurisdiction; calls with Marshall Glade on trial preparation	1.7	1,589.50
03/30/21	C Kelleher	Prepare exhibits for use at hearing and send same to office services for printing and collating	1.5	645.00
03/30/21	C Kelleher	Finalize cross examinations for use at hearing	0.9	387.00
03/30/21	A Peurach	Draft cross examination outline for Jon Smith; draft cross examination outline for board members; telephone conference with Marshall Glade and Harris Winsberg in preparation for hearing; correspondence regarding preparation for hearing and Defendants' bankruptcy filing; telephone conference with Harris Winsberg regarding bankruptcy filing	5.5	4,125.00
03/30/21	H Winsberg	Prepare for hearing on motion to appoint a receiver; review defendants new bankruptcy filings; correspond with the court and opposing counsel regarding the recent bankruptcy filings and next steps	3.5	3,272.50

Invoice Date 04/14/21
Invoice Number 30141079
File No. 255018.000036
Page 8

troutman
pepper

Bay Point Advisors, LLC Hoplite Loan Litigation

FEES FOR PROFESSIONAL SERVICES RENDERED THROUGH 03/31/21

TIMEKEEPER TIME SUMMARY THROUGH 03/31/21

Name	Rate	Hours	Amount
Kelleher, Christopher J.	430.00	73.8	31,734.00
Peurach, Alexandra S.	750.00	70.5	52,875.00
Ward, Catherine B.	305.00	4.0	1,220.00
Winsberg, Harris B.	935.00	41.7	38,989.50

Invoice Date 04/14/21
Invoice Number 30141079
File No. 255018.000036
Page 9



Bay Point Advisors, LLC
Hoplite Loan Litigation

FOR COSTS AND EXPENSES INCURRED THROUGH 03/31/21

Date	Description	Amount
03/25/21	Court Reporter/Deposition Costs - VENDOR: JanaColter LLC INVOICE#: 20200507 DATE: 3/25/2021 3/24/21 Hearing Transcript	417.65
03/31/21	Court Reporter/Deposition Costs - VENDOR: Veritext INVOICE#: 4911647 DATE: 3/31/2021 Deposition of Jonathan Lee Smith	3,348.25
03/25/21	Miscellaneous Expenses - VENDOR: Goerke, Ashley INVOICE#: 4498975503251850 DATE: 3/25/2021 Ashley Goerke - Other, 03/19/21, Alexandra Peurach/ Deposition	55.74
03/30/21	Outside Courier Services - VENDOR: Georgia Messenger Service, Inc. INVOICE#: 323439 DATE: 3/26/2021 Date:03/25/2021 Job Code:COLTER To:JANA COLTER	16.99
		Total: 3,838.63
		Total Fees & Costs: \$123,657.13

Troutman Pepper Hamilton Sanders LLP
305 Church at North Hills Street
Suite 1200
Raleigh, NC 27609

troutman.com



Federal ID No.:

58-0946915

Payment Remittance Address

Troutman Pepper Hamilton Sanders LLP
P.O. Box 933652
Atlanta, Georgia 31193-3652

Billing Inquiries:

404-885-2508

Bay Point Advisors, LLC
Attn: Greg Jacobs
3050 Peachtree Road
Suite 2
Atlanta, GA 30305

Invoice Date
Submitted by
Direct Dial
Invoice No.
Firm Ref. No.

04/14/21
J A Wood
919-835-4138
30141079
255018.000036

RE: Hoplite Loan Litigation

Total Amount of This Invoice

\$123,657.13

Electronic Payments

Wells Fargo Bank, N.A., Atlanta, Georgia
ACH/ABA #061000227
WIRE/ABA #121000248

To Credit Troutman Pepper Hamilton Sanders LLP

Operating Account #2052700305792

Reference Attorney: Justin A Wood

Reference Client: 255018

From International Locations please add

Swift Address/Code: WFBI US 6S

EXHIBIT B

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:21-cv-00375-MLB

Bay Point Capital Partners II, LP v. Hoplite, Inc. et al
Assigned to: Judge Michael L. Brown
Cause: 18:1961 Racketeering (RICO) Act

Date Filed: 01/22/2021
Date Terminated: 05/13/2021
Jury Demand: None
Nature of Suit: 470 Racketeer/Corrupt Organization
Jurisdiction: Federal Question

Plaintiff

Bay Point Capital Partners II, LP

represented by **Alexandra Spear Peurach**
Troutman Pepper Hamilton Sanders LLP
600 Peachtree Street NE
Suite 3000
Atlanta, GA 30308
404-885-3121
Email: alexandra.peurach@troutman.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Kelleher
Troutman Pepper Hamilton Sanders
600 Peachtree Street
Suite 3000
Atlanta, GA 30308
404-885-2536
Email: chris.kelleher@troutman.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Harris B. Winsberg
Troutman Sanders, LLP-ATL
Bank of America Plaza, Suite 3000
600 Peachtree St., NE
Atlanta, GA 30308-2216
404-885-3000
Fax: 404-962-6893
Email:
harris.winsberg@troutmansanders.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Hoplite, Inc.

represented by **Louis R. Cohan**
Cohan Law Group, LLC

3340 Peachtree Rd., N.E.
Tower 100, Suite 2570
Atlanta, GA 30326
404-891-1770
Email: lcohan@cohanlawgroup.com
ATTORNEY TO BE NOTICED

Defendant

Hoplite Entertainment, Inc.

represented by **Louis R. Cohan**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jonathan Lee Smith

represented by **Louis R. Cohan**
(See above for address)
ATTORNEY TO BE NOTICED

unknown

Columbia State Bank

represented by **Gwendolyn J. Godfrey**
Polsinelli
1201 W Peachtree St
Suite 1100
Atlanta, GA 30309
404-253-6029
Email: ggodfrey@polsinelli.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/22/2021	1	COMPLAINT filed by Bay Point Capital Partners II, LP. (Filing fee \$402.00, receipt number AGANDC-10639371) (Attachments: # 1 Exhibit -A -Email, # 2 Exhibit -B -License Agreement, # 3 Exhibit -C -License Agreement, # 4 Exhibit -D -Acquisition Agreement, # 5 Exhibit -E -Loan Agreement, # 6 Exhibit -F -Note, # 7 Exhibit -G -Guaranty Agreement, # 8 Exhibit -H -Forbearance Agreement, # 9 Exhibit -I -Second Forbearance, # 10 Exhibit -J -Email, # 11 Exhibit -K -Email, # 12 Exhibit -L -License Agreement, # 13 Exhibit -M -Consent Letter/ Standby Agreement/SBA Loan, # 14 Exhibit -N -Lien Search Certificates, # 15 Civil Cover Sheet)(eop) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 01/25/2021)
01/22/2021	2	Certificate of Interested Persons and Corporate Disclosure Statement by Bay Point Capital Partners II, LP identifying Other Affiliate, Bay Point Advisors, LLC for Bay Point Capital Partners II, LP. (eop) (Entered: 01/25/2021)
01/22/2021	3	Emergency MOTION to Appoint Receiver with Memorandum of Law In Support by Bay Point Capital Partners II, LP. (Attachments: # 1 Memorandum of Law)(eop) Modified on 1/29/2021 (bgt). (Entered: 01/25/2021)
01/25/2021	4	Electronic Summons Issued as to Hoplite, Inc.. (eop) (Entered: 01/25/2021)
01/25/2021	5	Electronic Summons Issued as to Hoplite Entertainment, Inc.. (eop) (Entered: 01/25/2021)
01/25/2021	6	Electronic Summons Issued as to Jonathan Lee Smith. (eop) (Entered: 01/25/2021)

01/25/2021		NINTH AMENDMENT TO GENERAL ORDER 20-0 PRE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 12/8/20. (eop) (Entered: 01/25/2021)
01/25/2021	7	STANDING ORDER regarding civil litigation. Signed by Judge Mark H. Cohen on 1/25/21. (jpa) (Entered: 01/25/2021)
01/27/2021	8	ORDER OF RECUSAL. Judge Mark H. Cohen recused. Case reassigned to Judge Michael L. Brown for all further proceedings NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:21-cv-375-MLB. Please make note of this change in order to facilitate the docketing of pleadings in this case. Signed by Judge Mark H. Cohen on 1/27/21. (jpa) (Entered: 01/27/2021)
01/27/2021	9	REQUEST FOR WAIVER of Service mailed to Hoplite, Inc. on 1/27/2021 . (Peurach, Alexandra) Modified on 1/28/2021 to edit text to accurately reflect e-filed document(jta). (Entered: 01/27/2021)
01/27/2021	10	DOCUMENT FILED IN ERROR NOTICE by Bay Point Capital Partners II, LP of a <i>Lawsuit and Request to Waive Service of a Summons as to Hoplite Entertainment, Inc.</i> (Peurach, Alexandra) Document to be re-filed, per call from counsel on 1/27/2021 (fem). (Entered: 01/27/2021)
01/27/2021	11	REQUEST FOR WAIVER of Service mailed to Jonathan Lee Smith on 1/27/2021 . (Peurach, Alexandra) Modified on 1/28/2021 to edit text to accurately reflect e-filed document(jta). (Entered: 01/27/2021)
01/27/2021	12	REQUEST FOR WAIVER of Service mailed to Hoplite Entertainment, Inc., on 1/27/2021 . (Peurach, Alexandra) Modified on 1/28/2021 to edit text to accurately reflect e-filed document (jta). (Entered: 01/27/2021)
01/28/2021		Notification of Docket Correction re 11 Notice (Other), 12 Notice (Other), 9 Notice (Other). Incorrect events used. The Clerk has made the necessary corrections. (jta) (Entered: 01/28/2021)
01/28/2021	13	TENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 01/27/2021. (adg) (ADI) (Entered: 01/28/2021)
01/29/2021	14	WAIVER OF SERVICE Returned Executed by Bay Point Capital Partners II, LP. Hoplite, Inc. waiver mailed on 1/27/2021, answer due 3/29/2021. (Peurach, Alexandra) (Entered: 01/29/2021)
01/29/2021	15	WAIVER OF SERVICE Returned Executed by Bay Point Capital Partners II, LP. Hoplite Entertainment, Inc. waiver mailed on 1/27/2021, answer due 3/29/2021. (Peurach, Alexandra) (Entered: 01/29/2021)
01/29/2021	16	WAIVER OF SERVICE Returned Executed by Bay Point Capital Partners II, LP. Jonathan Lee Smith waiver mailed on 1/27/2021, answer due 3/29/2021. (Peurach, Alexandra) (Entered: 01/29/2021)
01/29/2021	17	STANDING ORDER regarding civil litigation. Signed by Judge Michael L. Brown on 1/11/2021. (bgt) (Entered: 01/29/2021)
01/29/2021	18	CERTIFICATE OF SERVICE re 3 MOTION to Appoint Receiver by Bay Point Capital Partners II, LP.(Peurach, Alexandra) (Entered: 01/29/2021)

02/02/2021		ORDER (by docket entry only). The Court SETS a hearing via videoconference (Zoom) on Plaintiff's 3 Emergency Motion to Appoint Receiver for Friday, February 5, 2021, at 10:00 a.m. The Court ORDERS Plaintiff to immediately serve a copy of this order on counsel for Defendants, who is required to appear at Friday's hearing. The Court ORDERS Defendants to respond to the motion no later than 12:00 p.m. (noon) on Thursday, February 4, 2021. Given Plaintiff's request for expedited relief, the Court ORDERS, no later than 12:00 p.m. (noon) on Thursday, February 4, 2021, Plaintiff to file and email to the Courtroom Deputy Clerk (Benjamin_Thurman@gand.uscourts.gov) in Microsoft Word format a proposed order granting its motion. By requiring a proposed order be filed, the Court is not suggesting that it has reached any determination on the motion. Connection instructions for the hearing are as follows: https://ganduscourts.zoomgov.com/j/1610104436 . Meeting ID: 161 010 4436. Passcode: 923005. Call-in number: 1-646-828-7666. You must follow the instructions of the Court for remote proceedings available here . The procedure for filing documentary exhibits admitted during the proceeding is available here . <i>Photographing, recording, or broadcasting of any judicial proceedings, including proceedings held by video teleconferencing or telephone conferencing, is strictly and absolutely prohibited.</i> Ordered by Judge Michael L. Brown on 2/2/2021. (bgt) (Entered: 02/02/2021)
02/02/2021	19	NOTICE of Appearance by Louis R. Cohan on behalf of Hoplite Entertainment, Inc., Hoplite, Inc., Jonathan Lee Smith (Cohan, Louis) (Entered: 02/02/2021)
02/02/2021	20	CERTIFICATE OF SERVICE re Notice of Video/Telephone Proceeding, by Bay Point Capital Partners II, LP.(Peurach, Alexandra) Modified on 2/3/2021 to edit text to remove excess punctuation(jta). (Entered: 02/02/2021)
02/04/2021		ORDER (by docket entry only). Counsel for Defendants has requested a continuance of the hearing set for 2/5/2021 and the filing deadline of 2/4/2021. Having considered the request, it is GRANTED. The Court CONTINUES the hearing via videoconference (Zoom) on Plaintiff's 3 Emergency Motion to Appoint Receiver to Wednesday, February 10, 2021, at 2:00 p.m. The Court ORDERS Defendants to respond to the motion no later than 12:00 p.m. (noon) on Monday, February 8, 2021. Given Plaintiff's request for expedited relief, the Court ORDERS, no later than 12:00 p.m. (noon) on Monday, February 8, 2021, Plaintiff to file and email to the Courtroom Deputy Clerk (Benjamin_Thurman@gand.uscourts.gov) in Microsoft Word format a proposed order granting its motion. By requiring a proposed order be filed, the Court is not suggesting that it has reached any determination on the motion. Connection instructions for the hearing are as follows: https://ganduscourts.zoomgov.com/j/1610104436 . Meeting ID: 161 010 4436. Passcode: 923005. Call-in number: 1-646-828-7666. You must follow the instructions of the Court for remote proceedings available here . The procedure for filing documentary exhibits admitted during the proceeding is available here . <i>Photographing, recording, or broadcasting of any judicial proceedings, including proceedings held by video teleconferencing or telephone conferencing, is strictly and absolutely prohibited.</i> Ordered by Judge Michael L. Brown on 2/4/2021. (bgt) (Entered: 02/04/2021)
02/08/2021	21	RESPONSE re 3 Emergency MOTION to Appoint Receiver filed by Hoplite Entertainment, Inc., Hoplite, Inc., Jonathan Lee Smith. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Cohan, Louis) Modified on 2/8/2021 to edit text and remove double wording (jta). (Entered: 02/08/2021)
02/08/2021	22	NOTICE Of Filing Proposed Receivership Order by Bay Point Capital Partners II, LP re 3 Emergency MOTION to Appoint Receiver (Attachments: # 1 Proposed Order)(Peurach, Alexandra) (Entered: 02/08/2021)
02/10/2021		NOTICE CONVERTING HEARING (by docket entry only): The Court CONVERTS the hearing on Plaintiff's 3 Emergency Motion to Appoint Receiver to an in person hearing to

Declaration of Harris Winsberg Page 39 of 44
 take place on 2/10/2021 at 2:00 PM in ATLA Courtroom 1906 before Judge Michael L. Brown. (bgt) (Entered: 02/10/2021)

02/10/2021	24	Minute Entry for proceedings held before Judge Michael L. Brown: Motion Hearing held on 2/10/2021 re 3 Emergency MOTION to Appoint Receiver filed by Bay Point Capital Partners II, LP. The Court heard argument on the motion. Plaintiff presented the following witness: Chandler Rierson. The following exhibits were admitted: Plaintiff's exhibits A, B, C, D, E, F, G, H, I, J, K, L, O, P, Q, R, S, T, and U. The parties shall submit a proposed order to the Court. (Court Reporter Jana B. Colter)(jta) (Entered: 02/11/2021)
02/11/2021	23	NOTICE of Appearance by Gwendolyn J. Godfrey on behalf of Columbia State Bank (Godfrey, Gwendolyn) (Entered: 02/11/2021)
02/11/2021	25	Plaintiff's Exhibits admitted and retained at the 24 Motion Hearing have been received from Courtroom Deputy and placed in the custody of the Records Clerks. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit O, # 14 Exhibit P, # 15 Exhibit Q, # 16 Exhibit R, # 17 Exhibit S, # 18 Exhibit T, # 19 Exhibit U)(ddm) (Entered: 02/11/2021)
02/11/2021	26	NOTICE TO COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED Documentary EXHIBITS pursuant to Local Rule 79.1D. Re: 25 Exhibits. (ddm) (Entered: 02/11/2021)
02/11/2021	27	ORDER. Bay Point's 3 Motion for Appointment of Receiver is CONTINUED on the terms and conditions set forth herein. A hearing is set before this Court in the United States Courthouse located at 75 Ted Turner Drive SW, Atlanta, Georgia 30303, Courtroom 1906, on March 24, 2021, at 10:00 a.m., at which time Bay Point, Defendants, and any other affected persons shall appear before the Court to provide the Court with any relevant updates regarding the status of the implementation of the relief set forth in this Order, any relevant information obtained during the implementation of the relief set forth in this Order, and to advise the Court whether a further continuance of the Motion (Dkt. 3) is warranted under the circumstances. This Order and preliminary injunction shall continue in full force and effect until further order of this Court, and this Court retains jurisdiction of this matter for all purposes. Any violation of the term(s) of this order will be punishable by contempt and other appropriate relief that this Court finds just and proper. (See order for details.) Signed by Judge Michael L. Brown on 2/11/2021. (bgt) (Entered: 02/11/2021)
02/11/2021		Set Deadlines/Hearings: Hearing set for 3/24/2021 at 10:00 AM in ATLA Courtroom 1906 before Judge Michael L. Brown. (bgt) (Entered: 02/11/2021)
02/11/2021	28	Minute Entry for proceedings held before Judge Michael L. Brown: Status Conference held on 2/11/2021. Teleconference held regarding Plaintiff's 3 Motion to Appoint Receiver. (Court Reporter Jana B. Colter)(jta) (Entered: 02/12/2021)
02/22/2021	29	MOTION to Dismiss and Request for Expedited Hearing with Brief In Support by Hoplite Entertainment, Inc., Hoplite, Inc., Jonathan Lee Smith. (Attachments: # 1 Brief)(Cohan, Louis) . Added MOTION for Hearing on 2/23/2021 (jta). Modified on 2/23/2021; attached brief-pdf corrupt(jta). (Entered: 02/22/2021)
02/22/2021	30	MEMORANDUM in Support re 29 MOTION to Dismiss and Request for Expedited Hearing with Brief In Support by Hoplite Entertainment, Inc., Hoplite, Inc., Jonathan Lee Smith. (Cohan, Louis) Modified on 2/23/2021 to edit text to accurately reflect e-filed document (jta). (Entered: 02/22/2021)
02/23/2021		Notification of Docket Correction re 29 MOTION to Dismiss MOTION for Hearing. Two-part motion filed as one-part. The Clerk has made the necessary corrections. (jta) (Entered: 02/23/2021)

02/23/2021		Notification of Docket Correction re 30 MOTION to Supplement. Incorrect event used. The Clerk has made the necessary corrections and termed the motion. (jta) (Entered: 02/23/2021)
03/08/2021	31	AMENDED COMPLAINT against Hoplite Entertainment, Inc., Hoplite, Inc., Jonathan Lee Smith filed by Bay Point Capital Partners II, LP. (Attachments: # 1 Ex A - Email, # 2 Ex B - License Agreement, # 3 Ex C - License Agreement, # 4 Ex D - Acquisition Agreement, # 5 Ex E - Loan Agreement, # 6 Ex F - Note, # 7 Ex G - Guaranty Agreement, # 8 Ex H - Forbearance Agreement, # 9 Ex I - Second Forbearance Agreement, # 10 Ex J - Email, # 11 Ex K - Email, # 12 Ex L - License Agreement, # 13 Ex M - Letter, # 14 Ex N - Lien Search Certificates, # 15 Ex O - Email, # 16 Ex P - Email, # 17 Ex Q - Standby Creditor's Agreement, # 18 Ex R - Email, # 19 Ex S - Email, # 20 Ex T - Email, # 21 Ex U - UCC Financing Statement)(Peurach, Alexandra) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 03/08/2021)
03/09/2021		ORDER (by docket entry only) denying as moot Defendants' 29 Motion to Dismiss in the light of Plaintiff's 31 Amended Complaint. Ordered by Judge Michael L. Brown on 3/9/2021. (bgt) (Entered: 03/09/2021)
03/10/2021	32	ELEVENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 03/09/2021 (adg) (ADI) (Entered: 03/10/2021)
03/16/2021	33	NOTICE of Appearance by John D. Elrod on behalf of Porta Pellex, LLC (Elrod, John) (Entered: 03/16/2021)
03/18/2021		Plaintiff's documentary exhibits 25 from the Motion Hearing held on February 10, 2021, were destroyed as directed in 26 Exhibit Return Notification (mec) (Entered: 03/18/2021)
03/22/2021	34	MEMORANDUM in Support of Motion to Dismiss Verified Amended Complaint and Request for Expedited Hearing with Brief In Support by Hoplite Entertainment, Inc., Hoplite, Inc., Jonathan Lee Smith. (Cohan, Louis) Modified on 3/22/2021 to edit text to accurately reflect e-filed document(jta). (Entered: 03/22/2021)
03/22/2021		Notification of Docket Correction re 34 MOTION to Dismiss <i>Verified Amended Complaint and Request for Expedited Hearing</i> . Incorrect pdf filed and event used. Clerk has made the necessary corrections and termed motion. Attorney notified to file Motion. (jta) (Entered: 03/22/2021)
03/22/2021	35	MOTION to Dismiss Verified Amended Complaint and Request for Expedited Hearing with 34 Memorandum In Support by Hoplite Entertainment, Inc., Hoplite, Inc., Jonathan Lee Smith. (Cohan, Louis) Modified on 3/23/2021 to edit text to accurately reflect e-filed document (jta). (Entered: 03/22/2021)
03/23/2021	36	NOTICE Of Filing Declaration of Marshall Glade by Bay Point Capital Partners II, LP re 27 Order on Motion to Appoint Receiver,,, (Attachments: # 1 Ex 1 - Declaration of Marshall Glade, # 2 Decl. Ex A - Email, # 3 Decl. Ex B - Bank Statements, # 4 Decl. Ex C - Payments & Receipts, # 5 Decl. Ex D - Emails, # 6 Decl. Ex E- Balance Sheets, # 7 Decl. Ex F - License Agr., # 8 Decl. Ex G - License Agr., # 9 Decl. Ex H - Deposition Transcript)(Peurach, Alexandra) (Entered: 03/23/2021)
03/23/2021	37	NOTICE by Bay Point Capital Partners II, LP re 27 Order on Motion to Appoint Receiver,,, <i>of Additional Facts in Support of Its Emergency Motion for Appointment of Receiver</i> (Attachments: # 1 Ex A - D-2270-2271, # 2 Ex B - D-2272-2276, # 3 Ex C - D-2278-2280)(Peurach, Alexandra) (Entered: 03/23/2021)

Declaration of Harris Winsberg Page 41 of 44

03/24/2021	38	NOTICE Of Filing of Exhibits by Porta Pellex, LLC (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Elrod, John) Modified on 3/24/2021 to edit text to reflect PDF (dob). (Entered: 03/24/2021)
03/24/2021	41	Minute Entry for proceedings held before Judge Michael L. Brown on 3/24/2021. Hearing held pursuant to the Court's 27 February 11, 2021, order. An evidentiary hearing is set for 3/31/2021 at 2:00 p.m. Defendant Jonathan Lee Smith is ORDERED to appear in person at this hearing. The Court's other rulings are as stated in the record. (Court Reporter Jana B. Colter) (bgt) (Entered: 03/30/2021)
03/29/2021	39	NOTICE by Bay Point Capital Partners II, LP <i>Preliminary Statement in Support of the Court's Subject Matter Jurisdiction</i> (Peurach, Alexandra) (Entered: 03/29/2021)
03/29/2021	40	NOTICE Of Filing List of Transactions by Bay Point Capital Partners II, LP (Attachments: # 1 Ex A - D2272-77, # 2 Ex B - D194-200, # 3 Ex C - D2278-83, # 4 Ex D - 2270-71) (Peurach, Alexandra) (Entered: 03/29/2021)
03/30/2021		NOTICE RESETTING HEARING (by docket entry only): The Evidentiary Hearing set for 3/31/2021 will begin at 2:30 PM in ATLA Courtroom 1906 before Judge Michael L. Brown. This is a time change only. (bgt) (Entered: 03/30/2021)
03/30/2021	42	NOTICE by Jonathan Lee Smith <i>Bankruptcy Filing</i> (Attachments: # 1 Exhibit 1 Jon Smith receipt, # 2 Exhibit 2 Hoplite Entertainment Notice of Filing)(Cohan, Louis) Modified on 3/31/2021 to edit text and remove double wording(jta). (Entered: 03/30/2021)
03/31/2021	43	Minute Entry for proceedings held before Judge Michael L. Brown: Evidentiary Hearing held on 3/31/2021. Hearing set pursuant to the March 24, 2021, hearing. (Dkt. 41 .) Discussion had regarding Defendants' Notice of Bankruptcy (Dkt. 42). For the reasons stated in the record, Plaintiff's Motion to Appoint Receiver (Dkt. 3) is GRANTED. Plaintiff to submit a proposed order to the Court. (Court Reporter Jana B. Colter)(jta) (Entered: 04/01/2021)
04/01/2021	44	ORDER: Plaintiff's Motion for Appointment of Receiver (Dkt. 3) is GRANTED as to Defendant Hoplite, Inc. on the terms and conditions set forth herein. See Order for details. Signed by Judge Michael L. Brown on 4/1/2021. (jta) (Entered: 04/01/2021)
04/01/2021	45	NOTICE by Hoplite, Inc. <i>Notice of Bankruptcy</i> (Attachments: # 1 Exhibit Notice of Filing - Hoplite, Inc.)(Cohan, Louis) (Entered: 04/01/2021)
04/02/2021	46	NOTICE by Bay Point Capital Partners II, LP <i>Regarding Automatic Stay of Litigation</i> (Peurach, Alexandra) (Entered: 04/02/2021)
04/14/2021		Submission of 35 MOTION to Dismiss, to District Judge Michael L. Brown. (jta) (Entered: 04/14/2021)
05/13/2021	47	ORDER: Defendants filed petitions for bankruptcy in the United States Bankruptcy Court for the Central District of California pursuant to Chapters 7 and 11 of the United States Bankruptcy Code. (Dkts. 42 ; 45 .) Pursuant to 11 U.S.C. § 362(a), this matter is STAYED during the pendency of the bankruptcy proceedings in the United States Bankruptcy Court. The parties promptly shall notify the Court once the bankruptcy proceedings have concluded. The Court DIRECTS the Clerk to ADMINISTRATIVELY CLOSE this matter during the period of the stay. Signed by Judge Michael L. Brown on 5/13/2021. (jta) (Entered: 05/13/2021)
05/13/2021		Civil Case Terminated. (jta) (Entered: 05/13/2021)

EXHIBIT C



**Status Report
Pursuant to Servicemembers Civil Relief Act**

SSN: XXX-XX-0679

Birth Date:

Last Name: SMITH

First Name: JONATHAN

Middle Name:

Status As Of: Sep-13-2021

Certificate ID: 3BLNNGHC8QYKVFY

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director

Department of Defense - Manpower Data Center

400 Gigling Rd.

Seaside, CA 93955

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.